

## **REMARKS**

Upon entry of this amendment, claims 1-18 will be pending in this application. Claims 1-2, 4-7 and 12 have been amended. Claim 1 has been amended to recite a barrier means that extends from the upper surface at least substantially to the floor of the powder handling booth. Claims 2, 4-7 and 12 have been amended merely to put them in better form.<sup>1</sup>

### **Objection to the Specification**

The Office Action indicates that the specification is objected to because of certain informalities. Applicant accordingly has amended the specification to address these informalities.

### **Objection to the Drawings**

The drawings have been amended to incorporate the changes suggested by the Examiner. Corrected replacement drawings are included with this Amendment. Figures 1(a)-(c) are now designated by a legend entitled "Prior Art" in compliance with MPEP § 608.02(g).

The drawings were objected to under 37 C.F.R. § 1.83(a) because they failed to show "front sheet 3" as described in the specification. This detail was included in the informal drawings, but inadvertently omitted in the formal drawings. Applicant has amended Figure 4 to include reference to "front sheet 3."

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<sup>1</sup> Claim 12 has been amended to clarify and more positively recite this aspect of the invention. The amendment does not, however, narrow its scope.

Approval and acceptance of the corrected drawing Figures 1(a)-(c) and Figure 4 are respectfully requested.

**Claim Rejections – 35 U.S.C. §112**

In the Office Action at page 3, claims 7-10 were objected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although Applicant does not concede to the rejection, Applicant nonetheless has amended claim 7 to address and overcome the objections.

**Claim Rejections – 35 U.S.C. § 102**

**A. Szatmary**

Claim 1 is not anticipated by Szatmary (U.S. Patent No. 5,997,399) in that it fails to disclose a containment assembly that comprises a powder handling booth of sufficient size to admit an operator, wherein the powder handling booth has a rear wall, a floor and an upper surface, a barrier means at least a first part of which is composed of flexible material and being positioned in the powder handling booth and spaced apart from the rear wall to define a processing zone between the barrier means and the rear wall, wherein the barrier means extends from the upper surface at least substantially to the floor of the powder handling booth, and wherein the first part of the barrier means is adapted or adaptable to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone, as recited in amended claim 1.

Szatmary discloses an isolation chamber air curtain apparatus in which sterile and/or toxic materials are handled. The operator stands outside the isolation chamber and inserts his or her arms into gloves that attach to the side walls and extend into the chamber. *See Szatmary at col. 4, lines 30-43.*

Szatmary does not disclose a containment assembly as recited in claim 1, in that Szatmary fails to disclose, for example, a powder handling booth having a rear wall, a floor and an upper surface. The Office Action at page 3 identifies the bottom cover 28 in Szatmary as a floor. Applicant submits, however, that the bottom cover is not a floor at all. The term "floor" as it appears in claim 1 is clearly to be interpreted as that surface upon which the operator stands. Not only is this interpretation clear from Applicant's specification, this definition also is consistent with the ordinary meaning of the term.

In addition, claim 1 patentably distinguishes over Szatmary in that Szatmary fails to disclose a containment assembly as recited in claim 1, for example, comprising a barrier means which extends from the upper surface at least substantially to the floor of the powder handling booth.

Claim 1 further patentably distinguishes over Szatmary, for example, in that Szatmary fails to disclose or suggest a containment assembly comprising, among other limitations, a powder handling booth of a sufficient size to admit an operator. The Office Action identifies in Szatmary a "powder handling booth (10)" bounded by surfaces 26, 28, and 16. The powder handling booth as identified in this manner clearly is not of a "sufficient size to admit an operator" as required by claim 1.

Furthermore, the Szatmary reference provides no motivation or suggestion to modify the isolation chamber air curtain apparatus to yield the invention of claim 1, for example, comprising a powder handling booth that includes a rear wall, a floor and an upper surface wherein the powder handling booth is of a sufficient size to admit an operator.

Dependent claims 2-10 and 12-18 are not anticipated by Szatmary, for example, in that they depend from and more specifically recite the invention of independent claim 1.

In view of the foregoing, claims 1-10 and 12-18 patentably distinguish over Szatmary. Applicant submits that these claims are in condition for allowance and, therefore, requests that the rejection be withdrawn.

**B. Trexler**

Claim 1 is not anticipated by Trexler (U.S. Patent No. 3,348,890) in that Trexler fails to disclose a containment assembly that comprises a powder handling booth of sufficient size to admit an operator, wherein the powder handling booth has a rear wall, a floor and an upper surface, a barrier means at least a first part of which is composed of flexible material and being positioned in the powder handling booth and spaced apart from the rear wall to define a processing zone between the barrier means and the rear wall, wherein the barrier means extends from the upper surface at least substantially to the floor of the powder handling booth, and wherein the first part of the barrier means is adapted or adaptable to permit the operator in

the powder handling booth outside the processing zone to operate inside the processing zone, as recited in claim 1.

Trexler discloses an isolator structure used to transfer articles in and out of a contaminated area. The isolator structure allows a doctor or nurse to administer care to a patient while preventing contaminants from entering or escaping the isolated area.

Trexler does not disclose a containment assembly as recited in claim 1, for example, comprising a powder handling booth having a rear wall, a floor and an upper surface. Again, the Office Action relies on an impermissibly broad interpretation of the term "floor." The Office Action identifies "a bottom panel 42" as a floor. As explained above, this is not linguistically or contextually accurate. Trexler fails to disclose a containment assembly that comprises, *inter alia*, "a barrier means which extends from the upper surface at least substantially to the floor of the powder handling booth."

Furthermore, the Trexler reference provides no motivation or suggestion to modify its teachings to provide a containment assembly as recited in claim 1, for example, comprising a barrier means that extends from the upper surface at least substantially to the floor of the powder handling booth.

Dependent claims 2-6 and 13-17 are not anticipated by Trexler, for example, in that they depend from and more specifically recite the invention of independent claim 1. In view of the foregoing, claims 1-6 and 13-17 patentably distinguish over

Trexler. Applicant submits that claims 1-6 and 13-17 are in condition for allowance and, therefore, requests that the rejection be withdrawn.

**C. Cares**

Claim 1 is not anticipated by Cares (U.S. Patent No. 4,920,768) in that Cares fails to disclose a containment assembly that comprises a powder handling booth of sufficient size to admit an operator, wherein the powder handling booth has a rear wall, a floor and an upper surface, a barrier means at least a first part of which is composed of flexible material and being positioned in the powder handling booth and spaced apart from the rear wall to define a processing zone between the barrier means and the rear wall, wherein the barrier means extends from the upper surface at least substantially to the floor of the powder handling booth, and wherein the first part of the barrier means is adapted or adaptable to permit the operator in the powder handling booth outside the processing zone to operate inside the processing zone, as recited in amended claim 1.

Cares discloses an apparatus for transferring textile articles laden with solvent from a solvent cleaning machine to solvent reclaiming machine while reducing the emission of solvent vapor to the atmosphere. The operator stands just outside the movable apparatus and inserts his or her arms into gloves attached to a flexible shroud. The flexible shroud is located above a basket used to contain the articles.

Cares does not disclose a containment assembly as recited in claim 1, for example, comprising a powder handling booth having a rear wall, a floor and an

upper surface. In relying on Cares, the Office Action vaguely identifies the “floor” as being “at the bottom of [carriage member] 24.” If this reasoning is followed, the barrier means 56, 58 and 59 as identified by the Office Action clearly does not extend from the upper surface at least substantially to the floor (i.e., to the bottom of the carriage member 24). Furthermore, the Office Action identifies the rear wall of the booth as 76 or 77, which is either the solvent cleaning machine or the solvent reclaiming machine. These machines cannot reasonably be characterized as a wall, nor could they reasonably be part of 20, the powder handling booth in Cares identified by the Examiner.

Claim 1 further distinguishes over Cares, for example, in that Cares fails to suggest or disclose a containment assembly as recited in claim 1, for example, comprising a powder handling booth of a sufficient size to admit an operator.

Furthermore, the Cares reference provides no motivation or suggestion to modify the transfer system to obtain the invention of claim 1, for example, comprising a powder handling booth that includes a rear wall, a floor and an upper surface wherein the powder handling booth is of a sufficient size to admit an operator.

Dependent claims 2-11 and 13-17 are not anticipated by Cares, for example, in that they depend from and more specifically recited the invention of independent claim 1.

In view of the foregoing, claims 1-11 and 13-17 patentably distinguish over Cares. Applicant submits that these claims are in condition for allowance and, therefore, requests that the rejection be withdrawn.

**Conclusion**

In conclusion, Applicants respectfully submit that claims 1-18 patentably distinguish over the cited and applied references, and are in condition for allowance. Reconsideration of the application is requested in view of the remarks set forth above.

A check to cover the petition fee is enclosed. If this fee is deficient, or if there any fees due in connection with the prosecution of this application, please charge the fees to our Deposit Account No. 501324.

Dated: October 23, 2003

Respectfully submitted,



Sarah L. Malcolm  
Reg. No. 53,259

**Certificate of Express Mailing**

Express Mail Label No. EL 988282144 US  
Date of Deposit October 23, 2003

I hereby certify that this Amendment and Response to Office Action No. 1 is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

